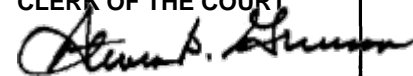


Exhibit A

Plaintiff's Complaint

Electronically Filed
3/12/2021 12:18 PM
Steven D. Grierson
CLERK OF THE COURT



1 **COMJD**

2 LAW OFFICES OF ROBERT P. SPRETNAK

3 Robert P. Spretnak, Esq. (Bar No. 5135)

4 8275 S. Eastern Avenue, Suite 200

5 Las Vegas, Nevada 89123

6 Telephone: (702) 454-4900

7 Fax: (702) 938-1055

8 Email: bob @ spretnak.com

CASE NO: A-21-831003-C

Department 15

9 Attorney for Nicolle Foster, Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

10 NICOLLE FOSTER,

Case No.:

11 Plaintiff,

Dept. No.:

12 vs.

13 CREDIT ONE BANK, N.A.; and CREDIT
14 ONE FINANCIAL, a Nevada corporation,

COMPLAINT

JURY DEMAND

15 Defendants.

16 Plaintiff NICOLLE FOSTER states as follows:

Jurisdiction and Venue

17 1. This is an action for damages arising from the employment of NICOLLE FOSTER,
18 Plaintiff, with CREDIT ONE BANK, N.A., and CREDIT ONE FINANCIAL, a Nevada corporation,
19 Defendants, including but not limited to the termination of that employment relationship.

20 2. This matter arises under the Family and Medical Leave Act ("FMLA"), 29 U.S.C.
21 §§ 2611-2654, and the Americans with Disabilities Act, as amended, 42 U.S.C. §§ 12101-12213,
22 ("ADAAA"). The district courts of the State of Nevada have jurisdiction over all of the claims pled
23 in this matter, pursuant to the system of dual sovereignty, in which state courts have inherent
24 authority to adjudicate claims arising under the laws of the United States. *Tafflin v. Levitt*, 493 U.S.
25 455, 458, 110 S. Ct. 792, 795, 107 L. Ed. 2d 887, 894 (1990).

26 3. The amount in controversy is in excess of \$15,000.00; therefore, this case is brought
27 in the District Court of the Eighth Judicial District Court in and for the County of Clark, State of
28 Nevada.

4. Venue is proper in the District Court of the Eighth Judicial District Court in and for the County of Clark, State of Nevada, as all named parties are domiciled in Clark County, Nevada, or were at all times relevant to the claims pled herein, and all events relevant to the claims pled herein occurred in Clark County, Nevada.

Exhaustion of Administrative Remedy

5. On May 15, 2019, NICOLLE FOSTER filed her completed Employment Discrimination Complaint with the Nevada Equal Rights Commission ("NERC"). In her Employment Discrimination Complaint, NICOLLE FOSTER stated that her employer subjected to unlawful discrimination on account of a disability and to unlawful retaliation for filing an internal grievance related to the unlawful discrimination that she suffered due to disability. A true and correct copy of this Employment Discrimination Complaint is attached as Exhibit 1.

6. On July 25, 2019, NICOLLE FOSTER filed her formal Charge of Discrimination with the NERC, stating and affirming that her employer subjected her (1) to unlawful discrimination on account of a disability and (2) to unlawful retaliation for her stated opposition to unlawful disability-based discrimination. A true and correct copy of this Charge of Discrimination is attached as Exhibit 2.

7. By letter dated January 8, 2021, the United States Equal Employment Opportunity Commission ("EEOC") sent to NICOLLE FOSTER her "Notice of Right to Sue (Issued on Request)," informing her that the EEOC was terminating its processing of her Charge of Discrimination and that she had 90 days of receipt of this notice to file her case in court. A true and correct copy of this "Notice of Right to Sue (Issued on Request)" is attached as Exhibit 3.

8. NICOLLE FOSTER received this "Notice of Right to Sue (Issued on Request)" on or around January 11, 2021.

9. NICOLLE FOSTER has filed this matter within 90 days of receiving her "Notice of Right to Sue (Issued on Request)." Therefore, this action is timely filed pursuant to 42 U.S.C. § 2000e-5(f) and 42 U.S.C. § 12117(a).

10. NICOLLE FOSTER, therefore, has exhausted her administrative remedy on all claims pled hereunder pursuant to the ADAAA prior to filing this action with this Court.

General Allegations

11. Plaintiff repeats the allegations contained in paragraphs 1 to 10, *supra*.

12. NICOLLE FOSTER is a citizen of the United States and of the State of Nevada. She is a resident of Clark County, Nevada.

13. Defendant CREDIT ONE BANK, N.A., is a bank chartered by the United States government. It is a closely held private company headquartered in Las Vegas, Nevada. Its principal place of business is 6801 S. Cimarron Road, Las Vegas, Nevada.

14. Defendant CREDIT ONE FINANCIAL is a corporation organized under the laws of the State of Nevada. Its principal place of business is 6801 S. Cimarron Road, Las Vegas, Nevada.

15. Defendant CREDIT ONE BANK, N.A., is a wholly-owned subsidiary of Defendant CREDIT ONE FINANCIAL, a Nevada corporation. The two are jointly administered and operate with a single human resources/industrial relations management apparatus.

16. Defendant CREDIT ONE BANK, N.A., had over 20 employees at all times relevant to this matter.

17. Defendant CREDIT ONE BANK, N.A. had over 500 employees at all times relevant to this matter.

18. NICOLLE FOSTER commenced employment with Defendants on or around September 11, 2007.

19. NICOLLE FOSTER was terminated from her employment with Defendants on or around December 21, 2018.

20. At the time of her termination, NICOLLE FOSTER was employed in the position of Collections Representative III.

21. On June 19, 2018, NICOLLE FOSTER filed with her employer the required papers in order to be able to take medical leave under the FMLA, on an intermittent basis, due to her "own serious health condition." This leave was to commence on June 4, 2018.

22. The leave was requested due to the diagnosis of "anxiety attacks" and "severe depressed mood." The condition, at that time, was initially forecasted to be of three to six months duration.

1 23. According to the Employment Discrimination Complaint and the Charge of
2 Discrimination that NICOLLE FOSTER filed with the NERC, the unlawful and discriminatory
3 treatment from her employer began when she was placed under the supervision of "Dale" Allen
4 Mason. Mason would harass and humiliate NICOLLE FOSTER. Mason would berate NICOLLE
5 FOSTER without cause. Mason would excessively scrutinize the work of NICOLLE FOSTER for
6 the sole purpose of harassing her, humiliating her, and making her feel extreme discomfort and
7 anxiety. Mason also would improperly manipulate the incentive compensation due to be paid
8 NICOLLE FOSTER, costing her income.

9 24. NICOLLE FOSTER reported Mason's actions to the Human Resources Department
10 on multiple occasions. She subsequently filed a formal complaint/grievance against Mason.

11 25. Her employer eventually and ostensibly removed Mason from a supervisory role over
12 NICOLLE FOSTER in June 2018.

13 26. Because of the stress and anxiety resulting from Mason's harassment and humiliation
14 of NICOLLE FOSTER, NICOLLE FOSTER first took a medical leave of absence under the FMLA
15 from June 2018 to September 2018.

16 27. NICOLLE FOSTER again needed to use intermittent FMLA leave in early December
17 2018. She still had FMLA time that she was eligible to use as she had not used the full allotment
18 in her previous leave. During this December absence due to her medical leave, it was Mason, and
19 not her new supervisor, who completed her time records. Mason failed to allow NICOLLE FOSTER
20 to use vacation and sick pay in order to be compensated for her time that she was absent on medical
21 leave in December 2018.

22 28. Mason also openly discussed the use of FMLA leave by NICOLLE FOSTER and the
23 reason that she had taken a personal medical leave. This was condoned by Defendants as no action
24 was taken against Mason for this.

25 29. On December 21, 2018, Defendants fired NICOLLE FOSTER based on a false
26 allegation that NICOLLE FOSTER, in December 19, 2018, had openly used a derogatory term in
27 reference to Mason's sexual orientation allegedly in front of at least one co-worker in the employee
28 lunch room. The accusation was demonstrably false as NICOLLE FOSTER did not use the

1 employee lunch room for breaks due to her discomfort about being around co-workers allied with
2 her tormentor, Mason.

3 30. Prior to her termination, NICOLLE FOSTER was one of the top performers among
4 the collections representatives.

5 **First Claim for Relief**

6 *Unlawful employment discrimination due to disability*

7 31. NICOLLE FOSTER repeats the allegations contained in paragraphs 1 to 30, *supra*.

8 32. NICOLLE FOSTER has been diagnosed as suffering from the continuing medical
9 conditions of anxiety disorder and major depression. She continues to have this condition.

10 33. NICOLLE FOSTER's chronic medical condition of anxiety disorder and major
11 depression is a recognized disability under the ADAAA. She has had a physical or mental
12 impairment that substantially limited one or more major life activities, including but not limited to
13 sleeping, interacting with others, concentrating, and working.

14 34. NICOLLE FOSTER was a qualified individual who could perform the essential
15 functions of her position with Defendants.

16 35. NICOLLE FOSTER requested a reasonable accommodation to her disability. She
17 requested a medical leave of absence in order to allow her a brief break from the stress and anxiety-
18 producing work environment.

19 36. Defendants were the "employer" of NICOLLE FOSTER, as that term is defined at
20 42 U.S.C. § 12111(5)(A).

21 37. Defendants unlawfully discriminated against NICOLLE FOSTER in violation of 42
22 U.S.C. § 12112(a) because Defendants fired NICOLLE FOSTER for being a person with a covered
23 disability and for requesting a brief leave of absence as accommodation to her disability.

24 38. By terminating NICOLLE FOSTER because of her covered disability and because
25 of her need for an accommodation to perform her job duties, Defendants violated 42 U.S.C.
26 § 12112(a) by unlawfully discriminating against NICOLLE FOSTER, a qualified individual, on the
27 basis of her disability in regard to the terms, conditions and privileges of her employment.

28 39. Because Defendants unlawfully discriminated against NICOLLE FOSTER and

1 subjected her to disparate treatment and termination because she was a qualified individual with
 2 disability, Defendants must pay NICOLLE FOSTER damages in an amount in excess of \$15,000.00,
 3 to be determined at trial, for backpay, frontpay, lost benefits, and compensatory damages for
 4 emotional pain, suffering, inconvenience, mental anguish and loss of enjoyment of life.

5 40. Because Defendants have been guilty of oppression, fraud or malice, express or
 6 implied, Defendants must pay NICOLLE FOSTER an additional amount for the sake of example and
 7 by way of punishment.

8 41. NICOLLE FOSTER has had to procure the services of an attorney to protect her
 9 rights and secure compensation for damages incurred as a result of these violations of the ADA;
 10 therefore, she is entitled to recover reasonable attorneys' fees pursuant to 42 U.S.C. § 12205.

11 **Second Claim for Relief**

12 *Unlawful retaliation for opposing disability-based discrimination*

13 42. NICOLLE FOSTER repeats the allegations contained in paragraphs 1 to 41, *supra*.

14 43. NICOLLE FOSTER engaged in protected opposition to Defendants' violations of the
 15 ADAAA as she repeatedly objected to the actions of her supervisor Mason with regard to his
 16 unlawful treatment and harassment of her, including his open statement of the reason that NICOLLE
 17 FOSTER needed to take medical leave, which exacerbated the symptoms associated with NICOLLE
 18 FOSTER's disability.

19 44. Defendants violated 42 U.S.C. § 12203 of the ADAAA by unlawfully retaliating
 20 against NICOLLE FOSTER for her protected opposition to Defendants' unlawful failure to follow
 21 the ADAAA and to end the unlawful, harassing and humiliating actions of her supervisor, Mason.
 22 Defendants, therefore, must pay NICOLLE FOSTER damages in an amount in excess of \$15,000.00,
 23 to be determined at trial, for backpay, frontpay, lost benefits, and compensatory damages for
 24 emotional pain, suffering, inconvenience, mental anguish and loss of enjoyment of life.

25 45. Because Defendants have been guilty of oppression, fraud or malice, express or
 26 implied, Defendants must pay NICOLLE FOSTER an additional amount for the sake of example and
 27 by way of punishment.

28 47. NICOLLE FOSTER has had to procure the services of an attorney to protect her

1 rights and secure compensation for damages incurred as a result of these violations of the ADAAA;
2 therefore, she is entitled to recover reasonable attorneys' fees pursuant to 42 U.S.C. § 12205.

3 **Third Claim for Relief**

4 *Interference with rights under the FMLA*

5 48. NICOLLE FOSTER repeats the allegations contained in paragraphs 1 to 47, *supra*.

6 49. The FMLA entitles eligible employees of covered employers to at least 12 weeks of
7 leave over a designated 12-month time period for any reason set forth at 42 U.S.C. § 2612(a)(1).

8 50. For purposes of the FMLA, NICOLLE FOSTER was an "eligible employee," as
9 defined at 29 U.S.C. § 2611(2)(A).

10 51. Defendants were an "employer" for purposes of the FMLA, as that term is defined
11 at 29 U.S.C. § 2611(4)(A).

12 52. Defendants were aware of their obligation to provide leave under the FMLA to
13 eligible employees entitled to leave under the FMLA. Defendants, furthermore, were aware that it
14 would be unlawful to take retaliatory action against an employee for exercising his or her rights
15 under the FMLA.

16 53. Employees eligible for leave under the FMLA are entitled to take up to 12 weeks of
17 leave per year for various conditions, including but not limited to a serious health condition under
18 29 U.S.C. § 2612(a)(1)(D).

19 54. Defendants failed to properly compensated NICOLLE FOSTER for her leave time.

20 55. Defendants fired NICOLLE FOSTER in direct response for her taking a medical leave
21 of absence due to anxiety and depression.

22 56. By terminating NICOLLE FOSTER's employment in response to her use of medical
23 leave under the FMLA, Defendants willfully violated 29 U.S.C. § 2615(a)(1) by unlawfully
24 interfering with NICOLLE FOSTER's right to medical leave under the FMLA.

25 57. Because Defendants unlawfully and willfully interfered with NICOLLE FOSTER's
26 rights under the FMLA, Defendants must pay NICOLLE FOSTER damages in an amount in excess
27 of \$15,000.00, to be determined at trial, for her lost income.

28 58. NICOLLE FOSTER is further entitled to an award of punitive damages and liquidated

1 damages pursuant to 29 U.S.C. § 2617(a)(1)(A)(iii) because of this willful interference with her
2 rights under the FMLA.

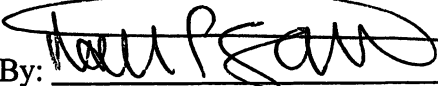
3 59. NICOLLE FOSTER has had to procure the services of an attorney to protect her
4 rights and secure compensation for the damages incurred as a result of these violations of the FMLA;
5 therefore, she is entitled to recover reasonable attorneys' fees pursuant to 29 U.S.C. § 2617(a)(3).

6 WHEREFORE, Plaintiff NICOLLE FOSTER prays that the following judgment be entered
7 upon a trial by jury, against Defendants CREDIT ONE BANK, N.A., and CREDIT ONE
8 FINANCIAL, a Nevada corporation:

- 9 1. Monetary damages in an amount to be determined at trial, which continue to accrue;
- 10 2. An award of interest on the amount owed;
- 11 3. Punitive and liquidated damages;
- 12 4. An award of attorneys' fees and costs pursuant to 42 U.S.C. § 12205, 29 U.S.C.
13 § 2617(a)(3), or any other statute, as appropriate; and
- 14 5. Any further relief that this Court deems just.

15 Respectfully submitted,

16 LAW OFFICES OF ROBERT P. SPRETNAK

17 By: 

18 Robert P. Spretnak, Esq.

19 Attorney for Nicolle Foster, Plaintiff

20 8275 S. Eastern Avenue, Suite 200
21 Las Vegas, Nevada 89123
22
23
24
25
26
27
28

Exhibit 1

Nicolle Foster v. Credit One Bank, N.A., et al.
Complaint
Employment Discrimination Complaint
(May 15, 2019)

Exhibit 1

State Of Nevada
Department Of Employment, Training And Rehabilitation
Equal Rights Commission

Employment Discrimination Complaint

Nevada Equal
MAY 15 2019
Rights Commission

The Nevada Equal Rights Commission is charged with the enforcement of employment, housing and public accommodations, state and federal discrimination laws, under NRS 233 and 613 inclusive; Title VII of the Civil Rights Act of 1964, as amended; Age Discrimination in Employment Act of 1967, as amended; and Equal Employment Opportunity Commission procedural regulations; housing NRS 118 and Public Accommodations NRS 651.

NOTE: Your complaint must be filed within 300 days from the last alleged discriminatory act.

1. Have you filed with the EEOC – Equal Employment Opportunity Commission? ☐ YES ☒ NO
If yes, you can only file one complaint with either EEOC or NERC; not both.
2. Does the company employ a total of 15 or more employees (in Nevada and/or the United States)? ☒ YES ☐ NO
The company against whom you are claiming discrimination must employ a total of 15 or more employees.

PLEASE PRINT CLEARLY

348-2018-00930

A) Your Name: Mr. ☒ Ms. Foster Nicolle Date of Birth: [REDACTED]
Your Last Name Your First Name Month Day Year

Do you need the assistance of an interpreter? Yes ☐ No ☒ (IF YES, what language?) _____

Mailing Address: [REDACTED] LV NV 89119
& Street Apt/Space # City State Zip Code

Telephone: Home 702 272 5394 Cell _____ E-mail [REDACTED]@gmail.com

B) Company Name: Credit One Bank Phone: 702-269-1000
(Name the company that you believe discriminated against you.)

Physical Address: 6801 Cimarron Ave LV NV 89144
Street Apt/Space/Room City State Zip Code

C) Give the name of someone who can help you reach you. Relationship: _____

Name: Spricknak Robert Telephone: (702) 454-4900
Last Name First Name

Address: 8275 South Eastern Ave Suite 200 Las Vegas NV 89123
Street Apt/Space/Room City State Zip Code

D) Hire Date: 9/1/2007 Ending Date: 12-21-2018 Date of last alleged discriminatory act: 12-14-2018

Present or Ending Pay: \$ 17.14 hr per hr Present or Ending Position Title: Collections Rep

E) This is a complaint of discrimination based upon:
(Mark only the reasons for which you believe caused the discriminatory act(s) that you are claiming)

<input type="checkbox"/> Race	<input type="checkbox"/> Color	<input type="checkbox"/> Religion
<input checked="" type="checkbox"/> Disability: <u>FMLA</u>	<input type="checkbox"/> Age	<input type="checkbox"/> National Origin
<input type="checkbox"/> Sex (includes pregnancy)	<input type="checkbox"/> Sexual orientation	<input type="checkbox"/> Genetic Information
<input type="checkbox"/> Gender Identity or Expression	<input checked="" type="checkbox"/> Retaliation** <u>filed an grievance towards the supervisor</u>	
<input type="checkbox"/> Criminal Background*	** Retaliation only applies when believed to be caused by the filing of a complaint, or other action, related to discrimination of a protected class.	

*Public Employees only (state, county, city)

F) Mark only those actions allegedly taken against you AND the date of last occurrence.

<input type="checkbox"/> Demotion	<input checked="" type="checkbox"/> Discharge <u>take 1 reason -</u>	<input type="checkbox"/> Lay Off
<input type="checkbox"/> Failure to Hire	<input checked="" type="checkbox"/> Harassment <u>12-14-2018</u>	<input type="checkbox"/> Forced to Resign
<input type="checkbox"/> Fail to Promote	<input type="checkbox"/> Sexual Harassment	<input type="checkbox"/> Failure to Compensate
<input type="checkbox"/> Failure to Represent (Union)	<input type="checkbox"/> Reasonable Accommodation	
<input type="checkbox"/> Pregnancy/Maternity (leave forced or denied)		
<input type="checkbox"/> Terms & Conditions of Employment		

G) List the name(s) of the individual(s) that you are claiming were involved in the alleged discrimination:

<u>Allen</u>	<u>Mason</u>	<u>Supervisor</u> ✓
First Name	Last Name	Job Title
First Name	Last Name	Job Title
First Name	Last Name	Job Title

H) What is the name of the company's Human Resources Manager?

<u>Megan Lago</u>	<u>702-967-1321</u>
First Name	Telephone Number

I) List the name(s) of person(s) who witnessed, observed and or who have knowledge of the events you are claiming were acts of discrimination. Give the names of those people who would willingly give a statement and would support you as your witness.
NOTE: All witness testimony in this process is voluntary.

<u>[Signature]</u>	<u>[Signature]</u>	<u>702-863-7000</u>
First Name	Last Name	Home Address/Telephone Number
First Name	Last Name	Home Address/Telephone Number
First Name	Last Name	Home Address/Telephone Number
First Name	Last Name	Home Address/Telephone Number

J) Complete these sentences:

1) I was hired by Credit One Bank on or about 09 11 2007
(Name of the company/business) Month Day Year
 as a Collection Rep II. While employed there, I was subjected to harassment
(Your job title)
humiliation and messing with my incentives.
I went on an stress leave and was removed from his
(Describe the type of discrimination/conditions that you are alleging happened)
 by Allen Mason II, my Manager. After the last
(The primary person in your complaint) (That person's job title - supervisor, co-worker.)

alleged discriminatory event, I filed my complaint with the Nevada Equal Rights Commission.

2) The company explained that I was treated this way because:

He was trained by Lammie Reynolds who was also terminated and he did not get the complete training that he needed.

3) I believe I was treated this way because:

He used to be my competition and he was promoted to a supervisor. I was number 1 for 10 out of the 12 years employed.

4) Explain the alleged discriminatory event(s) that occurred. Please include "who did what, who was there, what happened, when did it happen, where did it happen and what was said, etc." Please be as brief as possible. If you need more space to write, attach additional sheets of paper.

I was fired due to misconduct which ended up being not true. I was on an filed an grievance against my supervisor Allen Masca II for harassment, humiliation in financial stress I filed an grievance and was removed off his team still on the same shift with another supervisor so I was on an stress leave due to

I swear/affirm that the above information is true and correct to the best of my knowledge and belief.

Signature



Date

5-15-2019

NEVADA EQUAL

MAY 15 2019

RIGHTS COMMISSION

NEVADA EQUAL

MAY 15 2019

#2

RIGHTS COMMISSION

due to mistreatment and harassment. Mend you I have been to H.R. 2x's out of the twelve years I was employed there. First time was an complaint against ~~Dale~~ Allen Masen II (Dale) and Tanni Reynolds. his boss. I was an top performer in collections Allen Masen was my supervisor. He screamed yelled, and harassed me all this effected me so in June 4-2018 took an stress leave my Therapist gave me 6 months stress leave I took 2 months off and went back to work. So the day was 12-19-2018 my ^{new} supervisor took off work for the holidays his name is Terrance Taylor. I took off 2 days because my anxiety ran high knowing I had to deal with Allen Masen II so 1 of my coworkers calls me and she is on the same team as me (Terrance) asking me if I am okay and about my hours which was strange to me because her and Dale (my former supervisor are friends) so when I got to work H.R. is aware of all the problems

4

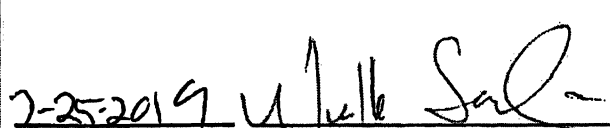
Rosinga Williams calling me ~~and~~
 and asking me questions. 2nd ~~it~~
 advised him when he returned
 that he said my FMLA was ended
 due to when I came back
 in Sept because the managers
 had that paper work from my
 Dr saying I can return to
 work but if I needed to
 take days off I can. So
 the next thing I advised him
 when Dale (Allen Haxen II)
 previous Supervisor did not
 pay me for my hours, he paid
 me 57 hrs + 23 unpaid which
 I had sick time + vacation
 time for so he left that out
 so I told Terrance Taylor I
 was going to H.R. to tell
 and ask why he did not pay
 me. So Terrance advised me
 to let him and the Vice
 Presidents handle it first +
 Raina so I said okay
 and 2 days later ~~the~~
 Terrance asked me to

Exhibit 2

Nicolle Foster v. Credit One Bank, N.A., et al.
Complaint
Charge of Discrimination
(July 25, 2019)

Exhibit 2

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC </div> <div style="text-align: right;"> 34B-2019-00930 </div> </div>	
Nevada Equal Rights Commission and EEOC <i>State or local Agency, if any.</i>			
Name (Indicate Mr., Ms., Mrs.) Ms. Nicolle Foster		Home Phone (Incl. Area Code) (702) 272-5304	Date of Birth 1969
Street Address 5050 Tamarus St. #302, Las Vegas, NV 89119		City, State and ZIP Code	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name CREDIT ONE BANK		No. Employees, Members 500+	Phone No. (Include Area Code) (702) 269-1000
Street Address 6801 Cimarron Ave., Las Vegas, NV 89144		City, State and ZIP Code	
Name		No. Employees, Members	Phone No. (Include Area Code)
Street Address		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es).) <div style="display: flex; flex-wrap: wrap;"> <div style="margin-right: 10px;"><input type="checkbox"/> RACE</div> <div style="margin-right: 10px;"><input type="checkbox"/> COLOR</div> <div style="margin-right: 10px;"><input type="checkbox"/> SEX</div> <div style="margin-right: 10px;"><input type="checkbox"/> RELIGION</div> <div style="margin-right: 10px;"><input type="checkbox"/> NATIONAL ORIGIN</div> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> RETALIATION</div> <div style="margin-right: 10px;"><input type="checkbox"/> AGE</div> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> DISABILITY</div> <div style="margin-right: 10px;"><input type="checkbox"/> GENETIC INFORMATION</div> <div style="margin-right: 10px;"><input type="checkbox"/> OTHER (Specify)</div> </div>			DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 1/1/2014 12/21/2018 <input type="checkbox"/> CONTINUING ACTION
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>The Respondent discriminated against me on the basis of disability and/or retaliation. I was subjected to disparate terms and conditions of employment and discriminatory discharge. I filed my complaint with the Nevada Equal Rights Commission on May 15, 2019.</p> <p>I commenced employment with the Respondent in 2007 as a Collector. I performed my job satisfactorily and, in fact, received bonuses every month.</p> <p>Things were fine for me until Allen "Dale" Mason became one of my Supervisors around 2014. At that point, I became a target for discrimination. Mr. Mason would berate me and scrutinize me. He would also hinder my ability to do my job. Mr. Mason's excessive scrutiny of me exacerbated my medical condition and I had to seek medical treatment.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct.		NOTARY - When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT <div style="text-align: center;">  SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) </div>	
Date Charging Party Signature		Received NERC JUL 25 2019 Las Vegas, NV	

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):



FEPA



EEOC

34B-2019-00930**Nevada Equal Rights Commission**

and EEOC

State or local Agency, if any

I went to Human Resources several times to report the issues.

Due to all of these issues, I was forced to take leave under the Family and Medical Leave Act (FMLA). I was out from around June 2018 through September 2018. Incidentally, I learned that my FMLA leave improperly discussed with employees.

When I returned, I was retaliated against. Mr. Mason made false allegations against me. I was ultimately terminated around December 21, 2018 for these false allegations, which, even if proven true, should not warrant termination.

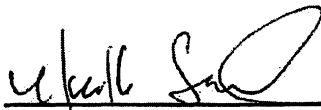
I feel I was subjected to this adverse treatment on the basis of disability and/or retaliation.

I AM FILING THIS CHARGE TO PROTECT MY RIGHTS IN COURT.

I believe the Respondent's actions violated the Americans with Disabilities Act Amendments Act (ADAAA) and Nevada State Law.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

7-25-2019 
Date Charging Party Signature

NOTARY – When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

Received NERC

JUL 25 2019

Las Vegas, NV

Exhibit 3

Nicolle Foster v. Credit One Bank, N.A., et al.

Complaint

Notice of Right to Sue (Issued on Request)

(Jan. 8, 2021)

Exhibit 3

EEOC Form 161-B (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Nicolle Foster**
3501 Shady Timber St., #2028
Las Vegas, NV 89129

From: **Los Angeles District Office**
255 E. Temple St. 4th Floor
Los Angeles, CA 90012

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

34B-2019-00930

Karrie L. Maeda,
State, Local & Tribal Program Manager

(213) 785-3002

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

☒

More than 180 days have passed since the filing of this charge.

☐

Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.

☒

The EEOC is terminating its processing of this charge.

☐

The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**

☐

The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice**. Otherwise, your right to sue based on the above-numbered charge will be lost.

☐

The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission



Rosa M. Viramontes,
District Director

January 8, 2021

(Date Mailed)

Enclosures(s)

CC: **Megan Lago**
Human Resources Director
CREDIT ONE BANK
6801 S. Cimarron Rd.
Las Vegas, NV 89113